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Attorneys for Defendants K-M Industries Holding Co. Inc.; K-M Industries Holding Co. Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

THOMAS FERNANDEZ, LORA SMITH and TOSHA THOMAS, individually and on behalf of a class of all others similarly situated,	) Case No. C06-07339 CW
)
)
	) DEFENDANTS K-M INDUSTRIES
	) HOLDING CO., INC., K-M
	) INDUSTRIES HOLDING CO. INC.
Plaintiffs,	) ESOP PLAN COMMITTEE AND CIG
v.	) ESOP PLAN COMMITTEE'S
	) ADMINISTRATIVE MOTION TO
K-M INDUSTRIES HOLDING CO., INC.,	) FILE PORTIONS OF SEPARATE
<i>et al.</i>,	) REPLY MEMORANDUM UNDER
	) SEAL
Defendants.)
	) CIVIL LOCAL RULE 79-5(b) and (c)

Pursuant to Local Rules 7-11 and 79-5(b) and (c), defendants K-M Industries Holding Co., Inc., K-M Industries Holding Co., Inc. ESOP Plan Committee and CIG ESOP Plan Committee (“KMH defendants”) hereby move this Court for an order permitting defendants to file portions of their separate reply memorandum of points and authorities in support of motion for summary judgment under seal.

This application is made because certain information in said document is either privileged or confidential, or both, as set out in more detail in the Declaration of Terence F. Young in Support of

1 KMH Defendants' Administrative Motion to File Portions of Separate Reply Under Seal, filed and
2 served herewith. Defendants have electronically filed a redacted version of the separate reply
3 memorandum. Pursuant to Local Rule 79-5(b) and (c), defendants also have lodged an unredacted
4 version of the separate reply, with the sealable portions of the document properly highlighted, with
5 the Clerk of the Court. Defendants have served plaintiffs and the other defendants with unredacted
6 versions of the document by electronic and/or hand delivery.

7 Dated: July 17, 2008

Respectfully submitted,

LOVITT & HANNAN, INC.

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10 By: Terence F. Young
11 Terence F. Young
12 Attorneys for Defendants K-M Industries
13 Holding Co., Inc.; K-M Industries Holding Co.,
14 Inc. ESOP Plan Committee; and CIG ESOP
15 Plan Committee
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